

U.S. Appl. No. 09/878,581
Reply to Office Action dated September 13, 2005

PATENT
450100-03278

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-22 and 28-30 are pending in this application. Claims 1, 10, 18-22 and 28-30, which are independent, are hereby amended. No new matter has been introduced by this amendment. Support for this amendment can be found throughout the Specification as originally filed, and specifically on page 28. It is submitted that these claims, as originally presented, were in full compliance with the requirements of 35 U.S.C. §112. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which the Applicant is entitled.

II. REJECTIONS UNDER 35 U.S.C. §102(b)

Claims 1-22 and 28-30 were rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 5,774,170 to Hite, et al. (hereinafter, merely "Hite").

Independent claim 1 recites, *inter alia*:

“ registering said image content by attaching a content owner identifier to said image content;”

U.S. Appl. No. 09/878,581
Reply to Office Action dated September 13, 2005

PATENT
450100-03278

distributing an advertisement insertion charge to a content owner based on the content owner identifier;
(emphasis added)

As understood by Applicant, Hite relates to enhancing television (and radio) advertising by targeting, delivering and displaying electronic advertising messages (commercials) within specified programming in one or more pre-determined households (or on specific display devices) while simultaneously preventing a commercial from being displayed in other households or on other displays for which it is not intended.

Applicant respectfully submits that Hite does not disclose registering said image content by attaching a content owner identifier to said image content and distributing an advertisement insertion charge to a content owner based on the content owner identifier, as recited in independent claim 1.

Therefore, independent claim 1 is patentable.

For reasons similar to, or somewhat similar to, those described above with regard to independent claim 1, independent claims 10, 18 and 19 are also believed to be patentable.

Independent claim 20 recites, *inter alia*:

“ database registering means for attaching a content identifier to said image content and storing said image content to said image content database,

wherein an advertisement insertion charge is distributed to a content owner based on the content identifier.”
(emphasis added)

Applicant respectfully submits that Hite does not disclose a database registering means for attaching a content identifier to said image content and storing said image content to said image content database, wherein an advertisement insertion charge is distributed to a content owner based on the content identifier, as recited in independent claim 20.

Therefore, independent claim 20 is patentable.

U.S. Appl. No. 09/878,581
Reply to Office Action dated September 13, 2005

PATENT
450100-03278

For reasons similar to, or somewhat similar to, those described above with regard to independent claim 20, independent claims 21, 28 and 29 are also believed to be patentable.

Independent claim 22 recites, *inter alia*:

"...image content selecting means for requesting distribution of a title list to an image content providing apparatus according to an inputted instruction and acquiring said title list."
(emphasis added)

Applicant submits that Hite does not disclose an image content selecting means for requesting distribution of a title list to an image content providing apparatus according to an inputted instruction and acquiring said title list, as recited in independent claim 22.

Therefore, independent claim 22 is patentable.

For reasons similar to, or somewhat similar to, those described above with regard to independent claim 22, independent claim 30 is also believed to be patentable.

III. DEPENDENT CLAIMS

The other claims in this application are each dependent from one of the independent claims discussed above and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosures in the cited reference, it is respectfully requested that the Examiner specifically indicate those portions of the reference providing the basis for a contrary view.

U.S. Appl. No. 09/878,581
Reply to Office Action dated September 13, 2005

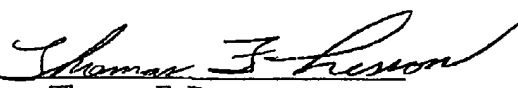
PATENT
450100-03278

Please charge any additional fees that may be needed, and credit any
overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the
claims in this application are patentable and Applicant respectfully requests early passage to
issue of the present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicant

By 
Thomas F. Presson
Reg. No. 41,442
(212) 588-0800